



Purpose, Organization and Procedures

Article XXII

Fort Mill Unified Development Ordinance

Section 22.1 Scope and Purpose

- A. **Authority.** These land development regulations are adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 §§ 6-29-1110 et seq. (1994 Supp.), as amended.
- B. **Jurisdiction.** These regulations shall apply to all subdivisions of land, as defined in *Appendix A*, located within the incorporated areas of the Town of Fort Mill.
- C. **Purpose.** The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities of the state. In furtherance of this general intent, the regulation of land development by municipalities is authorized for the following purposes, among others, as stated in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976 § 6-29-1120, as amended:
1. To encourage the development of economically sound and stable municipalities;
 2. To assure the timely provision of required roads, utilities, and other facilities and services to new land developments;
 3. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 4. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
 5. To assure, in general, the wise and timely development of new areas, or redevelopment of areas in harmony with the town's comprehensive plan.
- D. **Official Filing of Regulations.** Upon the effective date of this ordinance, no subdivision plat for any land within the established subdivision jurisdiction shall be filed with or recorded by the county clerk of court until such plat has been submitted to and approved by the planning commission according to the procedures set forth in this ordinance.
- E. **Application of Regulations.** No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the municipality or county for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this ordinance.
- F. **Effect of Plat Approval by Planning Commission on Dedications.** The approval of a plat by the planning commission shall not be deemed to constitute or effect an acceptance by the governing body of the dedication of any street or other ground shown upon the plat.

Section 22.2 Subdivision Types and Approval Authorities

- A. **Exempt Subdivisions.** The following types of subdivisions are exempt from the planning commission review process outlined in this article. Exempt subdivisions are those that meet any one (1) of the following conditions:
1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with the requirements of this ordinance.
 2. The division of land into parcels of five (5) acres or more where no new street is involved.
 3. Minor amendments to mixed use developments, provided such authority is delegated to the planning director under the development conditions approved by the town council.
- B. **Minor Subdivisions.** Minor subdivisions are land developments that consist of subdividing a parcel of land into five (5) lots or less, provided:
1. All resulting lots meet the minimum frontage requirement on a public or private street;

2. The subdivisions does not involve the platting, construction or opening of new streets, water or sewer facilities, or improvements to existing streets;
 3. Such subdivisions shall comply with all requirements of these regulations; and
 4. The subject land has not been previously subdivided within five (5) years.
- C. **Major Subdivisions.** Major subdivisions are land developments that consist of subdividing a tract or parcel of land into six (6) or more lots and do not meet the criteria for exempt or minor subdivision review.
- D. **Authorities.** Subdivision review and approval authorities are outlined in *Table 22-2*.

Table 22-2, Subdivision Review Authorities					
Type	Administrator	Engineer	Attorney	Planning Commission	Town Council
Exempt	Approve				
Minor Subdivision Sketch Plan	Review				
Minor Subdivision Final Plat	Review			Approve	
Major Subdivision Sketch Plan	Review			Review	
Major Subdivision Preliminary Plat	Review	Review		Approve	
Major Subdivision Construction Plans	Approve	Review			
Major Subdivision Surety	Review	Review	Review		Approve
Major Subdivision Final Plat	Review	Review	Review	Approve	
Major Subdivision Dedication	Review		Review	Recommend	Approve

Section 22.3 Exempt Subdivisions

- A. **Approval Process.** Exempt subdivisions shall be reviewed and approved by the Administrator.
- B. **Final Plat.** Final plat submittal requirements, contents and certificates are included in *Section 22.6 D*.

Section 22.4 Minor Subdivisions

- A. **Approval Process.** The procedure for review and approval of minor subdivision plats shall consist of the following steps:
1. Administrative review of a sketch plan.
 2. Planning commission review and approval of a final plat.
- B. **Sketch Plans.**
1. Prior to filing an application for final plat approval, the subdivider or his representative shall submit a sketch plan of the proposed subdivision and schedule a meeting with the Administrator.
 2. At a meeting, the subdivider or his representative shall present the plan for the new subdivision, seek the advice and assistance of the administrator, and become familiar with the regulations governing the subdivision of land.
 3. Sketch plan submittal requirements and contents are included in *Section 22.6 A*.

C. Final Plat.

1. The administrator shall ensure the application complies with the applicable requirements of the subdivision regulations and shall review the final plat in accordance with the content required by *Section 22.6 D*.
2. The subdivider shall submit one final plat on vellum, film, or linen and three or more dark line prints to the secretary of the planning commission at least 14 days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval.
3. Final plat submittal requirements and contents are included in *Section 22.6 D*.
4. Planning Commission Action.
 - a. Review. During review of the final plat, the planning commission shall check the final plat against the requirements and standards of this ordinance.
 - b. Timeframe. The planning commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval unless stipulation for additional time is agreed to by the subdivider and the planning commission. Approval and the date thereof shall be shown on the plat over the signature of the planning commission chairperson and two other members of the commission. If no action is taken by the commission at the end of 60 days after submission or within the agreed time, the plat shall be deemed to have been approved.
 - c. Disapproval. If the final plat is disapproved by the planning commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons for disapproval shall be retained in the records of the planning commission, and another shall be given to the subdivider for resubmission.

Section 22.5 Major Subdivisions

A. Approval Process.

1. The procedure for review and approval of major subdivision plats shall consist of the following steps:
 - a. Review of sketch plan.
 - b. Review and approval of preliminary plat.
 - c. Review and approval of construction plans.
 - d. Construction or review of surety:
 - i. Inspection and approval of site improvements and review and approval of maintenance guarantee; or
 - ii. Review and approval of and approval of a surety.
 - e. Review and approval of final plat.
 - f. If the final plat is approved before installation of site improvements, inspection and approval of site improvements and review and approval of maintenance guarantee;
2. Steps a, b, and c shall be completed prior to making any street improvements or installing any utilities. Steps a, b, c, d.i or d.ii, and e shall be completed prior to the sale of any lots within the proposed subdivision.

B. Sketch Plans.

1. Prior to filing an application for preliminary plat approval, the subdivider or his representative shall submit a sketch plan of the proposed subdivision to the planning commission. This plan shall be submitted at a regular meeting of the planning commission.

2. At the meeting the subdivider or his representative should present the plan for the new subdivision, seek the advice and assistance of the planning commission, and become familiar with the regulations governing the subdivision of land.
3. Sketch plans shall be submitted in complete form and shall include the required information and contents outlined in *Section 22.6 A*.

C. Preliminary Plats.

1. The subdivider shall prepare a preliminary plat for submission to the planning commission. Four or more copies of the preliminary plat and of any supplemental material required shall be submitted to the secretary of the planning commission not less than 14 days prior to the planning commission meeting at which the plat is to be considered. The town council may establish a fee for preliminary plat reviews to cover administrative costs associated with review and approval. The amount of such fee shall be established by the town council during adoption of the annual budget ordinance.
2. Preliminary plats shall be submitted in complete form and shall include the required information and contents outlined in *Section 22.6 B*.
3. Planning Commission Action.
 - a. Review. The planning commission shall review the preliminary plat against the requirements and standards of the UDO.
 - b. Timeframe. The planning commission shall review and shall tentatively approve, approve conditionally, or disapprove the preliminary plat within 60 days of the date of its presentation by the applicant. If no action is taken by the planning commission at the end of 60 days after presentation, the preliminary plat shall be automatically approved.
 - c. Notice of hearing. Notice of the time and place of the planning commission review shall be sent by registered mail or certified mail, return receipt, to the subdivider whose name and address appear on or accompanies the preliminary plat. Such notice shall be sent not less than five days before the date fixed for the hearing.
 - d. Consultation of public officials. Before taking final action on the preliminary plat, the planning commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new development, including the directors of departments responsible for streets, water, storm drainage, and sanitary sewerage, the building official, the county health department, and the district engineer of the state department of highways and public transportation, for their review and recommendations.
 - e. Preliminary approval. If the preliminary plat is found to conform to all of the requirements of the subdivision regulations and this unified development ordinance, preliminary approval shall be given by the planning commission. Approval shall be noted on at least two copies of the preliminary plat by the chairperson and two other members of the commission. One copy shall be retained by the planning commission; another shall be given to the subdivider.
 - f. Disapproval or conditional approval. If the preliminary plat is disapproved or approved conditionally, the reasons for disapproval or any conditions required shall be stated in writing and signed by the chairperson of the planning commission. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons shall be retained in the records of the commission; another shall be given to the subdivider. On conditional approval the commission may require the subdivider to resubmit the preliminary plat with all recommended changes before approving the plat.
 - g. Approval or disapproval public record. A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action taken must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken.

D. Construction Plans.

1. Upon approval of a preliminary plat, construction plans shall be reviewed administratively in accordance with *Section 14.2 A*.
2. Construction plans shall be submitted in complete form and shall include the required information and contents outlined in *Section 22.6 C*.
3. Upon approval of the construction plans, the subdivider may proceed with the installation of or arrangements for required improvements in accordance with the provisions of *Section 23.2 C*, prior to proceeding with preparation of a final plat.

E. Final Plat.

1. The final plat of the proposed subdivision shall be submitted to the planning commission for final approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved, unless the commission agrees to an extension of time.
2. Before submitting the final plat for review, the subdivider shall have installed all required improvements or shall have filed a bond in accordance with the provisions of *Section 23.2 D*.
3. The subdivider shall submit one final plat on vellum, film, or linen and three or more dark line prints to the secretary of the planning commission at least 14 days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval. At the same time there shall be submitted one set of the proposed plans and specifications for all improvements and the proposed protective covenants.
4. Final plats shall be submitted in complete form and include the required information and contents outlined in *Section 22.6 D*.
5. Planning Commission Action.
 - a. Review. During review of the final plat, the planning commission shall check the final plat against the preliminary plat, subdivision regulations and all other applicable provisions of this ordinance. The commission may appoint an engineer or surveyor to check the accuracy of the subdivision layout and the final plat. If substantial errors are found, the cost of checking the plat shall be charged to the subdivider.
 - b. Timeframe. The planning commission shall approve or disapprove the final plat within 60 days after it has been submitted for final approval unless stipulation for additional time is agreed to by the subdivider and the planning commission. Approval and the date thereof shall be shown on the plat over the signature of the planning commission chairperson and two other members of the commission. If no action is taken by the commission at the end of 60 days after submission or within the agreed time, the plat shall be deemed to have been approved.
 - c. Disapproval. If the final plat is disapproved by the planning commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the general plan or ordinance or regulation with which the plat does not conform. One copy of the reasons for disapproval shall be retained in the records of the planning commission, and another shall be given to the subdivider for resubmission.

Section 22.6 Submittal Requirements

A. Sketch Plan. The sketch plan shall include the following information:

1. Total acreage in the tract to be divided;
2. Tentative street and lot arrangement;
3. Approximate rights-of-way, easements, and lot lines;
4. Average lot areas and approximate number of lots;
5. Existing and proposed uses of land throughout the subdivision;
6. Zoning classification, if any; and

7. A vicinity map which shows the relationship between the proposed subdivision and the surrounding area at a scale of at least one inch equals 1,000 feet.
- B. **Preliminary Plat.** The preliminary plat shall be prepared by a registered surveyor. The plat shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet, and shall contain or be accompanied by the following information:
1. General Information.
 - a. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
 - b. Boundaries of the tract to be subdivided with all bearings and distances indicated; and
 - c. Existing zoning classification of the tract, if any.
 2. Existing Site Data.
 - a. Town limits lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings;
 - b. Utilities transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on both size, equipment, and location;
 - c. Wooded areas, marshes, ponds, and watercourses;
 - d. Contours, showing the topography of the site at a vertical interval of five feet by the planning commission; and
 - e. Areas subject to flooding, accompanied by high water elevation, if available.
 3. Proposed Site Data.
 - a. Street rights-of-way, pavement widths, grades, and street names (street profiles and cross sections shall be provided when required by the planning commission);
 - b. Preliminary plans prepared by an engineer for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, cross sections and sizes shall be provided when required by the planning commission);
 - c. Other easements and rights-of-way including location, dimensions, and purposes;
 - d. Contour changes to be made by grading;
 - e. A plan to control erosion and storm runoff during construction so as to prevent damage to adjacent properties and minimize the sedimentation of stream beds and the destruction of natural drainage areas;
 - f. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines;
 - g. Parks, school sites, and other public areas, if any; and
 - h. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.
 4. Other Information.
 - a. Name of subdivision and surveyor or engineer;
 - b. Name and address of owners and developers;
 - c. Date of survey and plat preparation, north point, graphic scale;
 - d. Surveyor's certificate of accuracy;
 - e. Site data: total acreage in tract, acreage in public or other land usage, average lot size, total number of lots, linear feet in streets;
 - f. Developer shall address future drainage demands and areas of potential concern which may arise when the subdivision is completely developed; and

- g. Other supplemental materials, any protective covenants proposed for the subdivision and any other information considered by either the subdivider or the planning commission to be pertinent to the review of the preliminary plat.
 - C. **Construction Plans.** Construction plans shall be prepared by a register engineer. The plans shall contain the following details and information:
 - 1. Existing Site Data.
 - a. Town limits lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings;
 - b. Utilities transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on both size, equipment, and location;
 - c. Wooded areas, marshes, ponds, and watercourses;
 - d. Contours, showing the topography of the site at a vertical interval of two (2) feet; and
 - e. Areas subject to flooding, accompanied by high water elevation, if available.
 - 2. Proposed Site Data.
 - a. Final street rights-of-way, profiles, cross-sections, pavement widths, grades, and street names;
 - b. Final plans and calculations prepared by an engineer for sanitary sewers, storm sewers, water, electricity, and gas lines, showing connections to existing systems or proposals for developing new water supply, storm drainage, and sewage disposal systems (storm and sanitary sewer profiles, cross sections and sizes);
 - c. Other easements and rights-of-way including location, dimensions, and purposes;
 - d. Contour changes to be made by grading at one (1) foot intervals;
 - e. A stormwater and sediment control plan;
 - f. Lot lines, lot dimensions, lot and block numbers, and minimum building setback lines along street rights-of-way and rear and side property lines;
 - g. Parks, school sites, and other public areas, if any; and
 - h. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated.
 - 3. Other Information.
 - a. Name of subdivision;
 - b. Name and seal engineer of record;
 - c. Name and address of owners and developers;
 - d. Date of plan, north point, graphic scale; and
 - e. Site data: total acreage in tract, acreage in public or other land usage, average lot size, total number of lots, linear feet in streets.
 - D. **Final Plat.** The preliminary plat shall be prepared by a registered surveyor. The plat shall be prepared in accordance with the following requirements:
 - 1. Survey Data.
 - a. Exact boundaries of the tract to be subdivided, the error of closure shall be at least 1:10,000;
 - b. Names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property;
 - c. Accurate location and description of all monuments, markers, and control points;
 - d. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way, easement line and setback line, including linear dimensions, bearings of deflection angles, tangents, radii, arcs, chords, and central angles. All dimensions shall be measured to the nearest 1/100 of a foot and all angles to the nearest minute; and

- e. The error of linear closure for lots shall be at least 1:5,000.

2. Site Data.

- a. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated;
- b. Areas to be used for purposes other than residential and public, if any, with the purpose, location, and dimensions of each indicated;
- c. Lot and block numbers, street names;
- d. Such cross sections and profiles of streets as may be required by the planning commission; and
- e. Such plans for water mains, sanitary sewers and storm sewers, showing sizes, cross sections and profiles, as required by the planning commission.

3. Other Information.

- a. Name of subdivision, owner and surveyor;
- b. Date of survey and plat preparation, north arrow, graphic scale;
- c. Deed restrictions proposed for the subdivision, if any; and
- d. Any other information considered by either the subdivider or the planning commission to be pertinent to the review of the final plat.

- E. **Information Waiver.** Specific requirements of submittals for administrative or planning commission review may be waived by the respective authority where it is determined that such information is not applicable to the subject request.

Section 22.7 Dedication and Acceptance

Before recording the final plat or resubmitted final plat, it shall be submitted to the governing body of the town or county for approval and acceptance of public streets, utilities, easements, and land dedication to public use.

Section 22.8 Filing and Recording

- A. **Filing.** After final approval the subdivider shall file the original approved final plat with certificates with the county clerk of court. The subdivider shall provide the planning commission with at least one dark line copy thereof.
- B. **Timeframe.** The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall be filed in the office of the county clerk of court within one week after approval, or if not, approval shall be considered void.

Section 22.9 Amendments to Subdivision Approvals

- A. **Minor Amendments.** Minor amendments to an approval final plat shall be reviewed by the Administrator for approval. Minor amendments include modifications that are not considered major amendments.
- B. **Major Amendments.** Major amendments to an approved final plat following approval shall require the Applicant to resubmit the subdivision plan. The following shall be considered major amendments:
 - 1. An increase in the number of lots;
 - 2. Significant modification to the basic layout of the street system or non-motorized transportation system, such as removal of a connection, realignment of the street network, or change in the type or widths of streets or public rights-of-way;
 - 3. Reduction of open space; or
 - 4. Substantive removal or dilution of features or amenities that were essential elements of the approved subdivision plan.

5. A modification to any condition of approval.

DRAFT